



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JJD
F.#2010R00014

*United States Attorney's Office
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August 11, 2010

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Re: United States v. Prado et al.
Criminal Docket No. 10-074 (S-2) (JFB)

Dear Counsel:

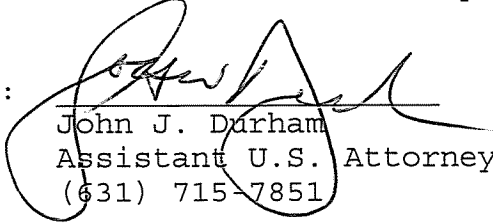
Please find attached hereto Rule 16 discovery letters dated May 7, 2010 and July 2, 2010, which were provided to the defendants charged in the underlying indictment and first superseding indictment in the above-referenced matter. As noted in those letters, the discovery items have been provided to First Choice Copy for duplication. If you would like to order copies of the discovery items, please contact Joseph Misner at First Choice Copy at (718) 381-1480.

Additionally, the government has provided copies of the discovery items set forth in those letters to the Nassau County Correctional Center and Queens Private Correctional Facility.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By:



John J. Durham
Assistant U.S. Attorney
(631) 715-7851

Attachments

cc: All Counsel of Record (By ECF)
Clerk of the Court (JFB) (By ECF)



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

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May 7, 2010

By ECF and Regular Mail

ATTACHED DISTRIBUTION LIST

Re: United States v. Prado et al.
Criminal Docket No. 10-074 (S-1) (JFB)

Dear Counsel:

1. Documents and Tangible Objects

Pursuant to Rule 16(a) of the Federal Rules of Criminal Procedure, the government has provided the items listed below to First Choice Copy for duplication. If you would like to order copies of these documents and disks, please contact Joseph Misner at First Choice Copy at (718) 381-1480.

- a. A copy of a February 19, 2010 discovery letter that was provided to the three defendants charged in the original indictment and attached documents, which were Bates numbered 1-64;
- b. Copies of criminal history reports and mugshots for the defendants with social security numbers and other pedigree information redacted.
- c. Arrest photographs and booking sheets for the defendants, including photographs of the defendants' tattoos.
- d. Property invoice forms listing property seized from some of the defendants at the time of their respective arrests.
- e. Crime scene photographs from Antojito's Bar and the surrounding area from September 14, 2008.

- f. Iber Marin autopsy photographs.
- g. Redacted photograph identifications relating to the Marin murder.
- h. Redacted Antojito's Complaint and Affidavit in Support of Arrest Warrants, which has not been unsealed to date, filed against several of the defendants, prior to the superseding indictment.
- i. Redacted Nassau County Police Department property invoice form for a Browning .380 caliber semi-automatic handgun seized on October 11, 2008.
- j. Two compact discs with an audio/video recording from October 11, 2008, which includes, among other things, an MS-13 meeting and initiation.
- k. Crime scene photographs from El Rancho Bar & Grill from March 6, 2010.
- l. Nestor Moreno autopsy photographs.
- m. A photograph of the Jennings .22 caliber handgun used in the Moreno murder.
- n. Redacted photograph identifications relating to the Moreno murder.
- o. A Nassau County Police Department report regarding the Moreno autopsy. The Nassau County Medical Examiner's Office's autopsy report will be provided under separate cover at a later date.
- p. Telephone records for the following telephone numbers:
(347) 935-5423, (631) 252-8398, (516) 813-8029 and
(347) 925-2416.

Further, the government is in possession of certain physical evidence in connection with this case, including without limitation, a Browning .380 caliber handgun, a Jennings .22 caliber handgun, a 12-gauge shotgun, ammunition, other weapons seized from MS-13 members and associates, cellular telephones, MS-13 paraphernalia, certain items depicted in the crime scene photographs, and the items listed on the aforementioned property invoice forms. You may contact me to specify the items you would like to inspect and/or photograph and we will arrange a mutually convenient time to do so.

2. Statements of the Defendants

Copies of any Miranda rights forms, reports summarizing post-arrest statements made by the defendants, and pedigree information for the defendants will be provided to each defendant under separate cover.

3. Reports of Examinations and Tests

The government will provide you with copies of any reports of examinations or tests in this case, as they become available.

4. Expert Witnesses

The government intends to call the following expert witnesses to testify at trial: (a) the physicians who treated the victims and/or performed the autopsies on the victims in this case; (b) an expert witness to testify regarding the MS-13 street gang; (c) an expert witness to testify regarding the production, distribution and/or manufacturing of cocaine and cocaine base; (d) expert witnesses in firearms analysis and ballistics comparison; and (e) a firearms interstate nexus expert. The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 by notifying you in a timely fashion of the experts the government intends to call at trial and by providing you with the experts' credentials and a summary of the experts' opinions.

5. Other Material

The government is aware of and will comply with its obligation to produce exculpatory material or information under Brady v. Maryland, 373 U.S. 83 (1963). Additionally, the government will furnish you before trial with information or material regarding payments, promises of immunity, leniency, or preferential treatment, if any, made to prospective witnesses within the scope of Giglio v. United States, 405 U.S. 150 (1972) and Napue v. Illinois, 360 U.S. 264 (1959). The government will also furnish before trial materials discoverable pursuant to Title 18, United States Code, Section 3500.

6. Other Crimes, Wrongs, or Acts

The government will provide the defendants with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

The Defendants' Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that each defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results of reports or physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody, or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that each defendant disclose prior statements of witnesses who will be called by that defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid any unnecessary delays, we request that you have copies of these statements available for production to the government no later than the commencement of trial.

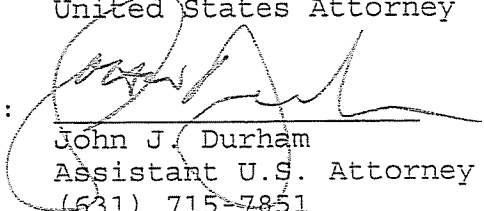
The government also requests that, at least 30 days prior to trial, each defendant disclose a written summary of testimony the defendant intends to use under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

The government will provide additional discovery in the coming weeks. If you have any questions, please do not hesitate to contact me.

Very truly yours,

BENTON J. CAMPBELL
United States Attorney

By:



John J. Durham
Assistant U.S. Attorney
(631) 715-7851

cc: Clerk of the Court (JFB) (By ECF)

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U.S. Department of Justice

United States Attorney
Eastern District of New York

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F.#2010R00014

United States Attorney's Office
610 Federal Plaza
Central Islip, New York 11722-4454

July 2, 2010

By ECF and Regular Mail

ATTACHED DISTRIBUTION LIST

Re: United States v. Prado et al.
Criminal Docket No. 10-074 (S-1) (JFB)

Dear Counsel:

Pursuant to our on-going discovery obligations under Rule 16, the government has sent the items listed below to First Choice Copy for duplication. The items were sent by Federal Express today and should be available for order early next week. If you would like to order copies of these disks, please contact Joseph Misner at First Choice Copy at (718) 381-1480. The government renews its request for reciprocal discovery.

1. Two DVDs with audio recordings of telephone calls and point-to-point calls to/from telephone number (516) 233-4496 between September 2008 and November 2008 ("Disk-3" and "Disk-4," respectively).¹
2. A DVD with audio recordings of telephone calls to/from telephone number (516) 384-9751 between October 2008 and November 2008 ("Disk-5").
3. A DVD with an audio/video recording of an April 11, 2008 meeting, including a narcotics transaction ("Disk-6").

¹ Pursuant to a letter dated May 7, 2010, the government made certain discovery available to the defendants, including two disks with an audio/video recording from October 11, 2008, which disks are hereby designated as "Disk-1" and "Disk-2," respectively.

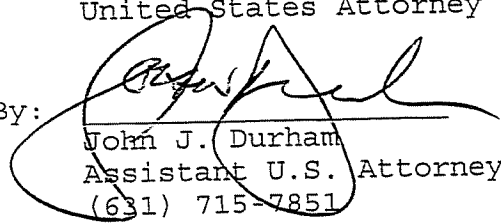
4. A DVD with an audio/video recording of an August 20, 2008 meeting, including a narcotics transaction ("Disk-7").
5. Two DVDs with audio/video recordings of an August 21, 2008 meeting, including a gun transaction ("Disk-8" and "Disk-9," respectively).
6. A DVD with an audio/video recording of an August 27, 2008 meeting, including a narcotics transaction ("Disk-10").
7. Two DVDs with audio/video recordings of an MS-13 member's wake. One DVD contains the complete recording and the other contains an excerpted version ("Disk-11" and "Disk-12," respectively).
8. A DVD with a National Geographic Channel documentary regarding the MS-13 ("Disk-13").

If you have any questions, please do not hesitate to contact me.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By:



John J. Durham
Assistant U.S. Attorney
(631) 715-7851

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